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HOUSTON CHRONICLE ARCHIVES

Paper: HOUSTON CHRONICLE**Date:** THU 12/23/2004**Section:** ThisWeek**Page:** 1**Edition:** 2 STAR**FRA's delay on rule affects sound issues / Railroad silence on hold for at least another 4 months**

By HEATHER SAUCIER, Houston Chronicle Correspondent

The Federal Railroad Administration's postponement of publishing the final rule on sounding train horns has made one thing clear for Houston - quiet zones will not exist until at least April 1, 2005.

Initially set for publication in October and adoption this month, the final rule will now be published sometime in January, said Warren Flatau, spokesman for the FRA.

That means that cities and communities wanting to establish quiet zones to silence train whistles must wait for the final rule to go into effect April 1.

Because the FRA has received thousands of public comments and requests regarding the pending change in federal law, the administration decided to extend the comment period, Flatau said.

The new federal law will require railroads to preempt state laws and sound their whistles at all railroad crossings. Until then, the sounding of horns remains subject to state law.

For Houston neighborhoods targeted for a quiet zone pilot program, which spans from San Felipe Street to Willowbend Boulevard, silence has been put on hold for at least another 4 1/2 months, said Wes Johnson, public information officer for the city's Public Works and Engineering Department.

"We are simply on standby," Johnson said.

"I think everyone from West University who has been involved is, I am sure, somewhat disappointed that we can't move forward in quicker manner," said Ron Wicker, director of the Public Works Department for West University Place. "But I think the city of Houston has quite honestly done a good job in putting this program together."

Added Bernie Satterwhite, the Bellaire city manager, "The FRA is not just thinking about Houston, they are thinking about the entire country. I give them credit for that. I doubt we would have been ready to implement it this month anyway."

"It takes a lot of intergovernmental cooperation."

Although city officials have discussed specific improvements needed at each of the 12 intersections in the pilot program, they are not sure if their determinations will change.

"We have developed mitigation strategies for each crossing, but we are now unsure how applicable they may be given that the FRA has delayed issuing the new quiet zone rules so they can continue to adopt new provisions," Johnson said.

"We cannot consider any of our concepts as 'final' until we have a chance to review the new rules and determine if they still meet those requirements," he added.

One thing that will not change, however, is the extension of the pilot program, Johnson said.

"This delay won't allow any other intersections to be added to this pilot project," he said.

That spells disappointment for residents of Westbury, who have lobbied to have five intersections from South Post Oak Boulevard to Fondren Road.

"Westbury wants in the pilot and if it doesn't get in, then we want to be at the top of list for phase two," said Phyllis Frye, a community activist who battled for years to bring the noise-ridden neighborhood a sound wall.

At a community meeting earlier this month, Frye said she did not understand why the neighborhood could not be a part of the pilot program, especially since city officials reported the cost to establishing quiet zones would be much less than expected.

The projected cost is about \$200,000 for all targeted intersections.

In the past, Johnson has pointed out that when the city engages in a pilot program, it initially must have a limited scope as part of the trial-and-error process.

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